



(Ireland.)

A

B I L L

TO

Amend the Acts for the more effectual Relief of
the Destitute Poor in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

- W**HEREAS it is expedient to amend the Laws in force for the more effectual Relief of the destitute Poor in Ireland: Preamble.
Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the *Twenty-ninth Day of September in the Year of our Lord One thousand eight hundred and forty-nine* it shall not be lawful, except as herein-after provided, to make and levy for and towards the Relief of the destitute Poor in Ireland, or in respect of any Payments which shall become due and payable out of the Poor Rates in Ireland, after the said *Twenty-ninth Day of September*, any Rate or Rates in any Electoral Division in Ireland which in any One Year shall in the whole exceed the Sum of *Five Shillings* in the Pound upon the net annual Yearly Limit of Poor Rate to Five Shil. less in the Pound on Electoral Division.
Value of the Property rateable to the Relief of the Poor in such Electoral Division; provided that nothing herein contained shall alter or affect the Liability of any Person or Property within any Electoral Division to any Rate or Rates made before the said *Twenty-ninth Day of September*, or to the Payment of any Sum or Sums of Money

under the Authority of any Act of Parliament which shall or may be passed for making temporary Provision for a General Rate in Aid of certain distressed Unions and Electoral Divisions in Ireland.

Where the Expenditure of the Electoral Division exceeds Five Shillings in the Pound, Two Shillings may be charged on the Union at large.

II. And be it enacted, That from and after the passing of this Act the Board of Guardians of each Union in Ireland shall on the 5 *Twenty-ninth Day of September* in each Year make up and transmit to the Poor Law Commissioners of Ireland an Account in Writing of the Sums of Money expended in such Year for the Purposes aforesaid, and chargeable upon each Electoral Division of such Union; and if upon an Examination of such Account it shall appear to the said 10 Commissioners that the Amount chargeable upon any Electoral Division or Electoral Divisions within such Union for One whole Year ending on the *Twenty-ninth Day of September* in each Year, exclusive of any Sum payable by such Electoral Division in respect of any Excess charged and chargeable upon the Union at large as herein- 15 after provided, and also of any Sum or Sums payable by such Electoral Division under the Authority of any such Act of Parliament as herein-before mentioned, exceeds the Sum which would be produced by a Rate of *Five Shillings* in the Pound upon the net annual Value of the Property rateable to the Relief of the Poor in such Electoral 20 Division, and it shall be proved to the Satisfaction of the said Commissioners that a Rate or Rates for such Year, to the Amount of *Five Shillings* in the Pound, or so much thereof as with due Diligence it has been practicable to levy, has or have been levied within such Elec- 25 toral Division within such Year, it shall be lawful for the said Commissioners, by Order under their Hands, to declare the Excess beyond such Sum to be a Charge and chargeable upon the Union at large within which such Electoral Division or Electoral Divisions shall be situate, and thereupon such Excess shall be a Charge and chargeable upon such Union at large; and upon the Receipt of such Order such 30 Board of Guardians shall apportion rateably upon the several Electoral Divisions within such Union the Amount so charged and chargeable upon the Union at large, and shall pay the said Sum so apportioned on each Electoral Division respectively out of any Money which may be standing to the Credit of each Electoral Division re- 35 spectively with the Treasurer of the Union, or out of the Produce of any Rate or Rates to be made and levied on each Electoral Division respectively: Provided always, that the Sum so to be paid by any Electoral Division for or in respect of the Excess of Charge of all or any Electoral Divisions within such Union shall not in the whole 40 exceed for any One Year the Sum of *Two Shillings* in the Pound upon the net annual Value of the whole rateable Property in such Electoral Division.

III. And

III. And be it enacted, That so much of an Act passed in the Second Year of Her present Majesty's Reign, intituled "An Act for the more effectual Relief of the destitute Poor in Ireland," as authorizes and empowers the Commissioners therein mentioned, in case of a total or partial Dissolution of any Union, or other Alteration of the Limits thereof, to ascertain the proportionate Value of any Property to any Townland, and the proportionate Amount of the Liabilities chargeable to any Townland affected by such Alteration, and to fix the Amount payable to or from any Townland so affected, and to direct the Manner of paying, securing, and applying the Sums so payable, and the raising of the same, be repealed, except as to anything heretofore done or now pending under the said Act; and that from and after the passing of this Act it shall be lawful for the Commissioners for administering the Laws for the Relief of the Poor in Ireland, and they are hereby required, in all Cases wherein any Change shall be made under the Provisions of the said Act in the Boundaries of any Union or Electoral Division, to make such Order under their Seal, as to them shall appear necessary, for the Adjustment of the Liabilities of such Union or Electoral Division existing at the Time of Change, and the proportionate Share thereof to be borne by any Townland or Townlands affected by such Change, and likewise for indemnifying any Union, Electoral Division, or Townland for any Loss or Exchange of Property occasioned by such Alteration of Boundaries, and for charging on any such Union, Electoral Division, or Townland the Value of any Property or Share thereof acquired or taken in exchange by reason of such Alteration and the Expense of such Indemnification as aforesaid; and the said Commissioners shall be empowered to direct, if they shall see fit, the levying of any Sum which it shall be necessary to raise for such Adjustment, Charge, or Indemnification as aforesaid by special Rate or otherwise on any Union, Electoral Division, or Townland, as in the said Order shall be expressed; and every such special Rate shall be made by the Parties and in the Manner to be specified in the said Order, and shall be levied by all the same Powers, Ways, and Means as are provided for the levying of Rates under the Provisions of the said Act.

Adjustment of the Accounts on any Alteration of the Limits of a Union or Electoral Division taking place.

IV. And whereas by the said recited Act the said Commissioners were empowered to fix the Value of the Qualification of Persons eligible to serve as Guardians of the Poor, but were not empowered to fix a different Qualification in Value for different Electoral Divisions in the same Union: Be it enacted, That it shall be lawful for the said Commissioners, in fixing the Qualification of Guardians as aforesaid, to fix a different Value, if they shall see fit, for different Electoral Divisions of the same Union, anything in the said recited Act to the contrary notwithstanding.

Qualification of Guardians may be different in different Electoral Divisions.

Rent-charges
by way of
Annuity and
Jointure
made liable
to Deduction
for Poor
Rate.

V. And whereas by the said recited Act it is provided, that no Deduction shall be made on account of Poor Rates from any Rent-charge granted by way of Jointure, or any other Rent-charge or Annuity granted, limited, or devised for a Life or Lives in being only, or for Years determinable on a Life or Lives in being; and it is expedient to repeal the said Provision: Be it enacted, That the Provision aforesaid be repealed, except as to anything heretofore done or now pending under the said Act, and that every such Rent-charge and Annuity shall be liable to Deduction on account of Poor Rate, in respect of any Rate made after the passing of this Act, in the same Manner as any Rent paid to any superior Landlord, and issuing out of Hereditaments rated to the Relief of the Poor, and payable by a Person receiving Rent out of such Hereditaments, is liable to such Deduction, under the Provisions of the said recited Act.

Rents arising
out of ex-
empted Pro-
perty to be
rated.

VI. And whereas Doubts have arisen, whether, under the Provisions of the said recited Act, Persons in the Receipt of Rent in respect of Hereditaments used for charitable or public Purposes are rateable as the Occupiers of Profits derived from such Hereditaments: Be it enacted, That in every Rate which shall be made for the Relief of the Poor after the passing of this Act every Person receiving Rent in respect of any Hereditament exempt from rating under the Provisions of the said recited Act shall be liable to be rated for such Rent as the Occupier thereof, to the Extent of *One Half* the Poundage of every Rate which shall be made in or for the *several* Division in which such Hereditaments shall be situate.

Occupier
not to deduct
from Rent
more than
One Half
the Amount
of the Rate
paid.

VII. And whereas by the said recited Act it is provided, that where the Person occupying any Property rated to the Relief of the Poor shall be liable to pay a Rent in respect of the same he may deduct from such Rent, for each Pound of the Rent which he shall be so liable to pay, *One Half* of the Sum which he shall have paid as Rate in respect of each Pound of the net annual Value (whether such Rent shall be greater or less than such annual Value), and so in proportion for any less Sum than a Pound; and it is expedient to amend the said Provision: Be it enacted, That in making a Deduction from such Rent on account of any Rate which shall be made after the passing of this Act it shall not be lawful for any Occupier of Property rated in or paying such Rate to deduct from the Rent payable in respect thereof a larger Sum than *One Half* the Amount of the Rate which he shall have paid in respect of such Property, anything in the said Act to the contrary notwithstanding.

Valuation
for Poor
Rates need

VIII. And whereas Doubts have arisen, under the Provisions of an Act passed in the Seventh Year of the Reign of Her present Majesty, intituled

intituled "An Act for the further Amendment of an Act for the
 " more effectual Relief of the Destitute Poor in Ireland," whether a
 Rate for the Relief of the Poor can legally be made in pursuance of
 a Valuation not signed and sealed by the Commissioners for ad-
 5 ministering the Laws for Relief of the Poor in Ireland; and it is
 expedient to remove such Doubts: Be it declared and enacted, That
 it is not and shall not be necessary for the said Commissioners to
 sign and seal any Valuation whatever, unless they shall see fit so to
 do; and any Valuation duly made and revised in pursuance of the
 10 Acts herein-before recited, whether it be signed and sealed by the
 said Commissioners or not, shall be deemed to be the Valuation in
 force for the Time being, anything in the said last-recited Act to
 the contrary notwithstanding.

not be signed
 and sealed
 by the Com-
 missioners.

IX. And whereas it is expedient to encourage the Employment
 15 of Labour in improving the Value of Landed Property in Ireland:
 Be it enacted, That from and after the passing of this Act, in
 any Valuation or Revision of Valuation of rateable Property, it shall
 not be lawful for any Board of Guardians, Valuator or Revisor of
 Valuation, or for any Court of Quarter Sessions, to which Appeal in
 20 such Behalf may be made, to increase or to direct any Increase to
 be made in the Valuation of the net annual Value of any Land
 rateable to the Relief of the Poor by reason of any Increase of the Value
 thereof arising from any Drainage, or any Erection of Farm Buildings,
 or any Agricultural Improvement made or executed thereon within
 25 Seven Years next before the making of such Valuation or Revision.

Valuation of
 Land not to
 be increased
 in respect of
 Improve-
 ments made
 within Seven
 Years.

X. And be it enacted, That when any Action or Suit shall be
 brought by the Guardians of the Poor of any Union for Poor Rates
 in any of the Superior Courts of Law in Dublin such Action or
 Suit shall be an Action of Assumpsit or Debt, and it shall be a sufficient
 30 Statement of the Cause of Action in the Declaration to declare for
 the Amount of such Poor Rate as due by the Defendant to the
 Plaintiffs, according to the Form, as near as may be, of the usual
 common Indehitas Counts in Assumpsit, or the common Counts
 in an Action of Debt, or as near as may be to the like Effect, without
 35 further setting forth the Cause of Action; and if the Declaration in
 any such Action or Suit shall exceed the Length necessary for de-
 claring in such Manner or Form as aforesaid, no Costs of the Excess
 shall be allowed to the Plaintiffs if they succeed in the Cause, and
 such Costs of the Excess as have been incurred by the Defendant or
 40 Defendants shall be taxed and allowed to the Defendant or Defen-
 dants, and be deducted from the Costs allowed to the Plaintiffs.

Short Form
 of Declara-
 tion in an
 Action for
 Poor Rates.

XI. And be it enacted, That it shall be lawful for the Judges of
 the Courts of Queen's Bench, Common Pleas, and Exchequer in
 247. B Ireland,

The Judges
 may make
 Rules and
 Orders relat-
 ing thereto.

Ireland, jointly, or any Nine or more of them, including the Chief of each such Court, to make General Rules and Orders for regulating the Practice and Proceedings of all the said Courts relating to the Pleadings and Costs in such Actions and Suits for Poor Rate as aforesaid, which said Rules and Orders so made shall be observed in 5 all the said Courts: Provided always, that until the making of any such Rules or Orders, or so far as the same may not extend, the Declaration in any such Action for Poor Rates may be framed in manner herein-before provided, or to the like Effect.

Civil Bill Decree for Poor Rates may be filed in Judgment of Superior Court, and have Force as such.

XII. And whereas it is expedient to make a further and more 10 secure Provision for the Recovery of Poor Rates in Ireland: Be it therefore enacted, That all Civil Bill Decrees for the Recovery of Poor Rate pronounced or made by any Assistant Barrister in Ireland, or by the Chairman of the Sessions of the Peace of the County of 15 Dublin, or by the Recorder of the City of Dublin, shall, from and after the passing of this Act, be removable into any of Her Majesty's Superior Courts of Law in Dublin, without any Writ of Certiorari or other Writ or Process for that Purpose; and that upon the Production of such Civil Bill Decree to the Master of any such Superior Court of Law, and upon Production of an Affidavit made by an Attorney of 20 such Superior Court, verifying the Signature of such Assistant Barrister, Chairman, or Recorder to such Civil Bill Decree, and upon Payment of a Fee of Two Shillings to such Master, he shall receive and file the said Decree upon a File to be kept for that Purpose, and shall enter the same in a Book to be kept for that Purpose, which shall be 25 open to Inspection; and that immediately upon the filing of such Decree as aforesaid such Decree shall be deemed a Record of such Superior Court, and shall be of the same Force and Effect as a Judgment recovered in such Superior Court, and Execution and all other Proceedings shall and may be had and taken thereupon, or by 30 reason or in consequence thereof, as if such Decree had been originally a Judgment of such Superior Court; and such Decree may be registered in the Office of the Registrar of Judgments in like Manner as a Judgment of any such Superior Court.

Judgments for Poor Rates to have Priority, except in certain Cases.

XIII. And be it enacted, That every Judgment obtained in any 35 Action or Suit in any Superior Court of Law against any Person or Persons for Poor Rates, and every Civil Bill Decree for Poor Rates filed in a Superior Court as herein-before provided, shall, when the same shall have been registered in the Office of the Registrar of Judgments, be a Charge, and take Priority as a Charge, on all the 40 Estate and Interest in any Lands of the Person against whom such Judgment or Civil Bill Decree shall have been obtained situate within the Union wherein such Poor Rates shall have accrued; before all Charges and Incumbrances whatsoever, and wheresoever made,

save

save and except Crown Rents and Quit Rents, Rent-charges in lieu of Tithes, and all Charges (if any) existing under and by virtue of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act to promote the Drainage of Lands, and Improve-
5 " ment of Navigation and Water Power in connexion with such
" Drainage, in Ireland," and Two other Acts since passed amending the same, and all Charges (if any) existing under and by virtue of an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled "An Act to facilitate the Improvement of Landed
10 " Property in Ireland."

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Par-
liament.

*Act may be
amended, &c.
this Session.*